

MADISON COUNTY PLANNING BOARD

MEETING MINUTES

Madison County Administration Building, Public Meeting Room 3/29/2021

1. **Call to Order:** 6:05 PM by President Darlene Tussing

2. **Roll Call:**

Members present: Darlene Tussing, Pat Bradley, Rita Owens, and David Laufenberg

Members present virtually: Del Bieroth, Jackie Lev, Lincoln Roberts, Laurie Schmidt, and April Gerth

Members absent: Tamara Millican-Wood, Steve Janzen

Staff present: Alex Hogle (Planning Director), Levi Simonson (Planner 1)

Staff absent: Michelle Schriock

Others present physically: Robert Stump (Mayor-Town of Sheridan), Scott Payne (Northern Rockies Engineering), Steve Dobb, Joyce Dobb, Rich Lewis, Brad Schwend, Gary Hilliker, Dorie Hilliker, Mark Walter, Corey Theis, Keely Larson (Madisonian), Chad Ball

Others present virtually: None

3. **Minutes:**

- January 25, 2021 - Bradley, Gerth, and Schmidt noted content, formatting, and typographic errors to be corrected.

MOTION: To approve January 25, 2021 minutes with corrections. Moved by Owens; Seconded by Bradley. Motion carried.

February 22, 2021 minutes still being worked on by Jani Flynn.

4. **President's Comments:** Tussing appreciated Janzen's chairing the February meeting.

5. **Opportunity for Public Comment for Items Not on the Agenda:** None

6. **Statement of Conflict of Interest/Ex Parte Communications:** None

7. **Monthly Report** (moved to after agenda item #9 public hearing on Sheridan Growth Policy)

8. Public meeting - Freddy's Place First Minor Subdivision Preliminary Plat review

Staff (Simonson) provided summary of the proposal and presented the staff report, noting the property was created through an exemption (76-3-207(1)(c)) and that the first minor subdivision would serve to lift the agricultural restriction currently in place. Simonson noted a comment had been received by the US Army Corps of Engineers regarding potential permitting if the streambed on the property was to be modified. Simonson recognized the proposed home site on Tract B-2 appears to be within the applicable 100-foot setback from waterbodies and that could be corrected by locating the home in a different location and displaying the setback on the final plat.

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There was no developer or owner comment.

There was no public comment.

Board discussion: Bradley asked about planned residential locations, noting they should be built outside the applicable 100-foot setback from waterbodies - staff indicated the setback would be required to be shown on the final plat. Bieroth asked if the stream was a natural stream or an irrigation ditch - staff indicated there is an irrigation ditch on the south end of the property but the feature near the planned home sites is a natural stream. Owens asked about water rights and whether they will stay with the property - staff noted the staff report addresses that matter and a draft condition of approval requires clarification regarding disposition of water rights prior to final plat approval. Bradley noted a typographic error on Finding of Fact #18 which should be corrected (reference to a different subdivision).

Board action:

MOTION: To approve the Findings of Fact, with correction to #18. Moved by Schmidt; Seconded by Bieroth. Motion carried .

MOTION: To recommend approval of the preliminary plat subject to the standard and subdivision specific conditions of approval outlined in the staff report. Moved by Bradley; Seconded by Owens. Motion carried .

9. Public hearing - Town of Sheridan Growth Policy Update

Staff (Hogle) discussed the submittal materials in Board packets including written comments received, and provided background and summary of the proposed Growth Policy Update prepared by Northern Rockies Engineering, Inc for the Town of Sheridan.

Scott Payne of Northern Rockies Engineering referred to a summary sheet prepared for the meeting and presented an overview of the draft Updated Growth Policy with focus on specific topics:

- Growth Policy survey gathered through community survey/notices, interviews with community members, and a 10/7/21 public meeting identified road needs, lack of housing availability and concerns related to lower income and senior housing needs, and parks/recreation as top issues of interest and concern.
- Demographics-Payne estimates population of the Town at 637 (less than last census), and noted the population is aging; income and cost of services and materials are increasing; housing costs are increasing rapidly; annexations haven't been an option due to water service limitations (related to Town's well-sourced water rights), and; the census should show the Town population strengthening while in the surrounding

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vicinity it is increasing with an inadvertent resulting demand on the Town's amenities, utilities, and services.

- Six (6) Goals and Objectives outlined on the provided summary are based on survey results, demographics, and assessment of current conditions and future needs related to infrastructure and services. Community improvements envisioned include potential pool, exercise facility, community center, expanded library, and new lighting on Main Street.
- The new 2020 public water well on Kerry Lane has increased cumulative system yield from 175 gpm to 500 gpm, and the Capital Improvement Plan (CIP) has specific measures toward implementing the whole water right.
- There are 4.5 miles of unpaved road within the Town and they are generally well maintained for unpaved roads. Mill Street needs improved maintenance and CIP calls for paving 3,300 feet of road in front of the school envisioned as a potential 'gateway project' with road improvements coupled with a xc-track for the school if funding can be realized.
- Wastewater system was improved with 2011 \$7million project with 4.5 mile pipe for wastewater management - prior to 2011 new connections weren't an option. Payne discussed how applicable 'design flows' determine wastewater system capacity. He described the impact of summer irrigation on system capacity where unsealed clay tile pipe receives increased groundwater into the system which is not actually wastewater. Payne clarified the rumor that the Town has no wastewater capacity is not accurate, and stated the system is in good shape and operating well.

After his presentation Payne fielded general questions:

- Ryan Wolter asked how many residents in the surrounding vicinity outside the Town boundary are seasonal vs. full-time residents. Payne wasn't able to answer noting the survey didn't ask those questions and indicated school attendance records are not a reliable metric due to students varying use of the Sheridan and Twin Bridges school systems.
- Pat Bradley asked about the impact of development pressure on and within the Town. Payne indicated there has been no significant development in Town for 10-15 years, and that while the surrounding area has had some growth most surrounding land is in agricultural use and there are only a few parcels in the Town capable of substantial subdivision development.

Open Public Comment Period 7:10 pm:

Gary Hillicker indicated the work on the Growth Policy had been done well but expressed concerns for a potential subdivision which he lives next to. He suggested Scott Payne's work on the Growth Policy and Capital Improvement Plan presents a conflict of interest with regard to the potential neighboring subdivision which his firm Northern Rockies Engineering is apparently also involved with. He's concerned that if the potential subdivision is actually

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submitted and approved it would skew the projected growth estimates in the draft Growth Policy. He indicated it seems present sewer capacity is almost met based on information from the installer of the 2011 system upgrade, and doesn't support another system upgrade and its costs as a taxpayer.

Rich Lewis expressed concerns regarding sewer rate increases, and the offsite traffic and parking impacts the rumored potential subdivision would potentially introduce to the town.

Suspecting there is not adequate sewer capacity for substantial development within the town, he asked Scott Payne how many more sewer connections can be supported with the present system > Payne replied about 50% more. Lewis continued to air concerns about potential increases in crime, taxes, and inflation associated with growth stating his concern that the simple way of life in Sheridan will change with growth.

Steve Dobb indicated his agreement with the concerns noted by Mr. Hillicker and focused his comment on his perspective that the design capacity of the present wastewater system is limited to 701 people, and if the actual population is more than that then the demand already exceeds capacity. Further, Dobb suggested the flow-rate analysis was performed in a nonrepresentative time (Covid pandemic/off-season/etc) and that the survey respondents focused on road and growth impacts.

Dorie Hillicker indicated she moved to Sheridan for the small town feel and doesn't want growth to occur as has happened in other communities because growth brings diminished quality of life on. Regarding potential subdivision near her property she'd support a half dozen homes but not the density she's heard about, and wants the town to stay small. Tussing asked if she'd participated in the Growth Policy meeting with the town > Dorie responded yes. Tussing indicated Growth Policy and potential zoning are valuable and important tools to offset impacts and control the community environment.

Brad Schwend indicated his family's homesteading history in the area and spoke in support of the draft updated Growth Policy. He stated that Sheridan needs growth and he's proposing a higher density subdivision because it makes fiscal sense where larger lots don't. There's a demand for smaller lots and smaller quality homes, Sheridan shouldn't just be for rich people, and for Sheridan to grow it needs to have affordable options for young people.

Corey Theis, a Town Council member, shared his thoughts that Sheridan lacks in amenities for young families and children. He noted parks are 'dated', there's no recreation center, etc., and while he'd like to see infrastructure improvements, those cost money and a growing populous would assist in minimizing that tax burden on the present residents alone.

Joyce Dobb, a neighbor to the potential subdivision (on Schwend's property), indicated we're not an 'old' group, doesn't want to be divided into groups, she wants to make sure facts get looked at as decisions are being made, and feels that shouldn't have to involve confrontation. Tussing and Hogle clarified subdivision review process and the mechanisms in place for

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concerns to be voiced, emphasizing there is ample opportunity to provide comment when an actual application is submitted for review.

Tussing reminded attendees the public comment tonight is for the Growth Policy agenda item and asked for additional public comment.

Hogle addressed written comment received by John Hammerman which expressed concerns with the map on pg. 262 – it has a series of arrows labeled ‘new residential development’ and suggests removing the middle arrow as it points at his existing home and suggests the label is misleading and might be amended to suggest ‘potential developable property’.

Dorie Hillicker provided additional comment regarding opportunities for children –she noted there are multiple parks and playgrounds and the community swimming pool. She believes the town is safe for kids to ride bikes and that there are ample things for kids to do.

Bob Stump addressed the matter of inability to enforce ordinances without a City Court. While there was discussion on potential ordinances such as zoning which can be used to mitigate impacts, they don’t work on their own unless regulated and enforced.

Darlene Tussing spoke about engaging funding opportunities, grants, etc to support community infrastructure needs. Even if development happens, it can be good for everybody when residents participate in the process and help shape growth.

Mike Walter is excited about the Growth Policy because it’s not solely focused on expensive infrastructure projects but has a community focus. He supports public involvement.

Close of Public Comment Period 8:01 pm:

Board Discussion:

Schmidt asked about actual census numbers and suggested the Growth Policy should include the current data as it becomes available. She encourages the Town to consider citizen initiated zoning to offset growth related impacts, and is concerned about the lack of enforceability of the rules the Town does administer.

Gerth asked about the public’s appetite for zoning, noting it is a reasonable mechanism to control impacts and concerns expressed in public comments.

Payne indicated the survey had a mixed response regarding zoning and noted it’s a potential tool but doesn’t seem practical for the Town at this time.

Understanding Payne’s comment, Gerth recognized it seems a contradiction that the public wouldn’t be open to zoning to address growth related impacts and issues noted in the Growth Policy and in public comment.

Bradley noted the Growth Policy is a stand-alone document intended to help direct future growth, however it is not regulatory unto itself. A growth policy is a starting point -while zoning can be a way to implement the objectives of a Growth Policy, enforcement of ordinances is necessary.

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Bieroth noted that the review of the draft Growth Policy update seemed to have gotten distracted by discussion of the potential subdivision in the town. Regarding the document, he indicated it seems to be 'right on track' and that Northern Rockies Engineering had done a good job with the document.

Laufenberg noted the Growth Policy should capture the vision of the town for the next decade or more. He thinks the 11% growth projection is low considering the amenities of the Town and surrounding area, including fiber-optic infrastructure, scenery, etc. Laufenberg questioned how effective the survey is during a pandemic period of time, and suggested another survey may be helpful to ensure the data is representative of the town residents views.

Payne responded that the 11% growth projection in the document is a typographic error and it's actually estimated at 20%. Regarding questions concerning input/output of wastewater in the system

Laufenberg asked how often the system is monitored ...

Stump discussed a wastewater treatment facility inspection 'spot-visit' by MDEQ last November which triggered the survey. To the question 'do we have a problem with population?' Stump indicated his opinion that 637 residents is fairly accurate.

Tussing commented that she's an example of a county resident in the surrounding area who identifies with Sheridan for services etc ,which places a demand on the town's resources and infrastructure without contributing to the tax base.

Bradley stated the Growth Policy goals and objectives seem very clear and expressed support for adoption of the document.

Hogle expressed support of the document, noting it contains useful content which can provide a basis for implementing zoning or other subsequent ordinances in the future if the town determines such to be warranted. He commented on the difference between 'guidelines' and a zoning 'ordinance' toward actually effecting tangible results and made certain recommendations regarding specific content on specific pages as follows:

- Pg 4-5 contain three recurring statements that suggest the Town has no option to control growth in its surrounding area > Hogle clarified section 76-2-310 MCA provides for extended municipal zoning and noted if the town adopted zoning it could implement extended zoning to assist with mitigating growth related impacts in the future;
- On pg. 10, staff recommends striking the sentence "*Respondents also indicated that developers should not be free to develop land where ever or whenever they want*", noting that *developers* in the surrounding county jurisdiction are likely to be regular residents and typical property owners and the statement seems to cut contrary to basic property rights;
- Under 'Implementation Strategy' on pg. 15, potentially add a reference to a Blight/community decay ordinance to the 3rd bullet, and regarding last bullet noted that a Tax Increment Financing (aka TIF District) typically requires zoning as a prerequisite;

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- On pg. 16, correct the subdivision citation to refer to the Montana Subdivision and Platting Act in 76-3-101 MCA, and correct the zoning citation to refer to 76-2-301 MCA.

Board action:

MOTION: To recommend approval of the updated Growth Policy to the Town of Sheridan (consistent with 76-1-603(1)) with Staff recommended corrections and encouragement to update it with current census data as it becomes available. Moved by Bieroth; Seconded by Owens. Motion carried.

Close Public Hearing 9:00p.m. (break until 9:17p.m.)

- 10. Monthly Report:** Hogle reviewed the March 2021 Monthly Report. Regarding staffing and workload, there was discussion about potential to seek authorization to advertise for a 'Planning Technician' position.

MOTION: To send a letter of support for a Planning Technician position to the Board of Commissioners. Moved by Bradley; Seconded by Lev. Motion carried .

- 11. Subdivision Regulation Review Committee Update:** Staff provided a brief overview of the March 17 and 22, 2021 Memorandums outlining Work Session #7 and #8 of the Committee, respectively. The February 18, 2021 Work Session #7 focused on 'Lands Considered Unsuitable for Development' with draft revisions to language in Section IV-A-3 of the Subdivision Regulations. Hogle suggested striking the words *or independent* from draft language submitted by Laufenberg in regard to the review of impacts to wildlife and/or wildlife habitat in subdivision review because a county's review is not performed by independent entities or persons. Laufenberg agreed. The March 18, 2021 Work Session #8 was an initial work session focused on 'Road Standards and Road Related Topics' as outlined in the Memorandum. Discussion recognized the particular topic is complex and will require additional work before any draft language is presented to the Planning Board by the Committee. Additional discussion pertained to tabling and re-scheduling Agenda Item #12 Unfinished Business - Consideration of the Committee's 'Batch 1' of draft revisions submitted on January 25, 2021 to a special early agenda item on May 24, 2021.

12. Planning Board Member Reports

- Schmidt requested the Planning Office subscribe to the Mountain Journal publication and provide a link to planning board members.
- Roberts mentioned his communications about SB 260 (aka 'takings' bill) with HD 71 Representative Ken Walsh.

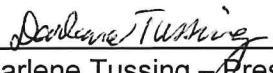
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- Laufenberg mentioned the Madison Valley conservation District hired Cody Marxer as the new 310 permitting specialist.

13. Adjournment: The meeting was adjourned at 10:22 p.m.



Darlene Tussing – President



Alex Hogle – Planning Director